

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No.: 2:23-cv-01298-CV-BFM

Date: March 5, 2025

Title: Todd R.G. Hill v. Board of Directors of Peoples College of Law, et al.

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Present: The Honorable Brianna Fuller Mircheff, United States Magistrate Judge

Christianna Howard
Deputy Clerk

N/A
Court Reporter / Recorder

Attorneys Present for Plaintiff:
N/A

Attorneys Present for Defendant:
N/A

Proceedings: (In Chambers) Orders on Pending Motions

The Court submitted an Interim Report and Recommendation (R&R) on February 12, 2025. (ECF 213.) Objections have been submitted and the deadline for responses to those objections has passed. The matter is thus pending review of the District Judge.

In the meantime, the parties have filed four motions. For the clarity of the record, the Court orders as follows:

Plaintiff's Motion for Judicial Notice of State Bar Report (ECF 222)

Plaintiff moves for judicial notice of PowerPoint presentations conducted by the State Bar. (ECF 222.) Those reports reflect racial (and other) disparities in bar passage rates and in related law-school metrics, including attrition. The Court **grants** judicial notice of the fact that the State Bar of California has reported out such disparities. It does not change the recommendations made in the R&R, in that the Court took as true the allegation in the Third Amended Complaint that such discrepancies existed. (R&R at 15.)

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Defendant Spiro's Request for Clarification (ECF 221)

Defendant Spiro points out an error in the R&R. He is correct: in footnote 2, the Court meant to say that it was not necessary to receive further briefing from Defendants on Plaintiff's requests for judicial notice (ECF 197) and his request to rule on his motion for judicial notice (ECF 210). Plaintiff opposes Spiro's request for clarification (ECF 225), but that Opposition does not change the Court's view. The Court recommended granting Plaintiff's request for judicial notice at Docket 197 and essentially granting his request at Docket 210, in that the Court considered the facts described in Docket 199 in deciding whether further amendments would be futile. (See R&R at 12 (describing handling of Plaintiff's requests for judicial notice).) The Court therefore views no prejudice to *Plaintiff* from its decision not to seek additional briefing from Plaintiff's opponent. Spiro's request (ECF 221), therefore, is **granted**.

Plaintiff's Motion for Judicial Notice of Bloomberg Article (ECF 224)

Plaintiff asks for judicial notice of a Bloomberg article reflecting comments by a trustee of the State Bar of California, and a comment by State Bar Executive Director acknowledging the existence of an unpublished audit relating to "predatory" law schools. (ECF 224.) The article reflects that Plaintiff, too, provided a public comment at the State Bar meeting. Plaintiff seeks judicial notice of the fact that the relevant comments were made and that the unpublished audit exists. (ECF 224 at 3-5.) The Court cannot take judicial notice of the truth of facts reported in an article. *Reynolds v. Binance Holdings Ltd.*, 481 F. Supp. 3d 997, 1002 (N.D. Cal. 2020). The Motion (ECF 224) is therefore **denied**. Even if the Court were to take judicial notice, moreover, it would not change the Court's recommendations; the R&R takes as given that the State Bar is aware that there are problems at certain for-profit law schools,

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and, indeed, that it ultimately took steps against People’s College of Law itself. (R&R at 6.)

Plaintiff’s Motion for Judicial Notice of Declarations (ECF 228)

Finally, Plaintiff moves for judicial notice of declarations submitted by Ira Spiro and Héctor Candelario Peña Ramírez in support of a motion for summary judgment filed in state court. Those declarations, generally, confirm the existence of various administrative and bureaucratic issues at People’s College of Law during the time periods relevant to the case—frequent changes in administration, disorganized records (and the failure to keep certain records), records stored on personal email accounts and computer systems, etc. The Court would be willing to take judicial notice of the fact that the declarants made the statements they made—and because both declarants are Defendants, their admission to knowledge of certain facts could be relevant to the case. The Motion (ECF 228), therefore, is **granted** to that extent.

Doing so, however, does not alter any of the recommendations in the R&R; the R&R accepted as true Plaintiff’s allegation in the Third Amended Complaint that there were administrative failures at PCL (R&R at 6), and none of the Court’s recommendations turned on whether Spiro or Peña were aware of those administrative problems.

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Emails to Chambers

As Judge Staton previously warned Plaintiff (ECF 37), it is not appropriate to pepper the Deputy Clerk with requests for status updates on pending motions. The Deputy Clerk cannot provide any information about timelines for decision, the order in which submissions will be reviewed, or how they will be decided.

IT IS SO ORDERED.

cc: Todd R.G. Hill, pro se
Counsel of record

Initials of Preparer: ch